

PATENT

REMARKS

The Office Action dated December 30, 2005 has been received and considered. In this response, claims 1, 13, and 31 have been amended and claims 12 and 22 have been canceled without prejudice or disclaimer. Support for the amendments may be found in the specification and drawings as originally filed. Reconsideration of the outstanding rejections in the present application is respectfully requested based on the following remarks.

Allowability of Claims 8, 9, 15, 17, 23-30 and 32-34

The Applicant notes with appreciation the indication at page 2 of the Office Action that claims 23-30 are allowed and that 8, 9, 15, 17, and 32-34 would be allowable if rewritten in independent form. The Applicant has opted to forego rewriting the claims as proposed in view of the following remarks.

Obviousness Rejection of Claims 1, 3-7, 10, 13, 14, 18-21, 31, and 35

At page 2 of the Office Action, claims 1, 3-7, 10, 13, 14, 18-21, 31, and 35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bondy (U.S. Patent No. 5,491,813) in view of Keller (U.S. Patent No. 5,752,032). This rejection is respectfully traversed.

Independent claim 1, from which claims 3-7 and 10 depend, has been amended to recite the additional features provided by dependent claim 12 (now canceled). The Office Action does not assert that the proposed combination of Bondy and Keller discloses or suggests the subject matter of claim 12, nor in fact do Bondy or Keller, individually or in combination, disclose the subject matter of claim 12. Accordingly, the proposed combination of Bondy and Keller fails to disclose or suggest the particular combination of features presently recited by claim 1, as well as the features of claims 3-7 and 10 at least by virtue of their dependency from claim 1.

Independent claim 13, from which claims 14 and 18-21 depend, has been amended to recite the additional features of claim 22 (now canceled). The Office Action does not assert that the proposed combination of Bondy and Keller discloses or suggests the subject matter of claim 22, nor in fact do Bondy or Keller, individually or in combination, disclose or suggest this subject matter. Accordingly, the proposed combination of Bondy and Keller fails to disclose or suggest the particular combination of features presently recited by claim 13, as well as the

PATENT

additional features recited by claims 14 and 18-21 at least by virtue of their dependency from claim 13.

Independent claim 31, from which claim 35 depends, has been amended to substantially recite the features of claim 12. As similarly noted above with respect to claim 1, the proposed combination of Bondy and Keller fails to disclose or suggest the subject matter of claim 12, and therefore fails to disclose or suggest the particular combination of features presently recited by claim 31, as well as the features of claim 35 at least by virtue of its dependency from claim 31.

In view of the foregoing, it is respectfully submitted that the obviousness rejection of claims 1, 3-7, 10, 13, 14, 18-21, 31, and 35 is improper at this time. Reconsideration and withdrawal of this rejection therefore is respectfully requested.

Obviousness Rejection of Claims 11, 12, 22, and 36

At page 5 of the Office Action, claims 11, 12, 22, and 36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bondy in view of Keller, and in further view of Schoening (U.S. Patent No. 6,226,788). This rejection is respectfully traversed.

As noted above, claims 1 and 31 have been amended to recite the subject matter presented by claim 12 (now canceled). Thus, claim 1 presently recites the feature of identifying a particular device-specific driver portion from a plurality of driver portions associated with the device identifier. The Office Action asserts that

Schoening teaches device driver management, including . . . comparing versions associated with functions of the device-specific driver portion to versions expected (device mapping table) through an application program interface (device mapper operations) [Citing Schoening, col. 16, line 50-col. 17, line 59]. Given the teaching of Schoening, one of ordinary skill in the art would have been motivated to include locating and comparing into Bondy as modified because this would have allowed new devices to be added without requiring revision of the applications [Schoening, col. 3, lines 24-33].

Office Action, page 5.

The Applicant respectfully disagrees and submits that not only does Schoening fail to disclose or suggest the subject matter previously presented by claim 12, one of ordinary skill in the art would not be motivated to combine the teachings of Bondy, Keller, and Schoening as proposed.

PATENT

As a first issue, the device mapping table of Schoening referenced by the Office Action is not the same as or equivalent to a comparison of versions associated with functions of a device-specific driver portion to versions expected through an application program interface. Rather, Schoening teaches that "the device mappers are stored in a hierachal structure that reflects a functional relationship or family relationship of devices." *Schoening*, Abstract. Thus, Schoening teaches that the device-mapping table simply shows the relationship among network devices rather than versions associated with functions of a device-specific driver portion as presently provided by claims 1 and 31. Moreover, one of ordinary skill in the art would not recognize the device mapper operations of Schoening as the same as or equivalent to an application program interface as provided by claims 1 and 31. Accordingly, the proposed combination of Bondy, Keller, and Schoening fails to disclose or suggest the particular combinations of features presently recited by claims 1 and 31.

As a second issue, Bondy and Keller are directed to the use of device drivers in connection with operating systems in a computer system. In contrast, Schoening is directed to a network management system whereby the devices of a network are mapped based on functionality for implementation in a network. Thus, the teachings of Schoening and the teachings of Bondy and Keller are directed to non-analogous arts. Moreover, even if Schoening was directed to a similar art as the teachings of Bondy and Keller, Schoening fails to provide any motivation for its combination with Bondy and Keller, and vice versa. Even though the Office Action asserts that the motivation for their combination is that it "would have allowed new devices to be added without requiring revision of the applications," Bondy fails to describe any need for allowing new devices to be added without revision. Moreover, it is noted that the passage cited as allegedly providing motivation for the modification of Bondy comes from the teachings of Schoening, rather than Bondy. Thus, because neither Bondy nor Keller disclose or suggest a need for the device mapping scheme of Schoening, and as Schoening fails to disclose or suggest a need for the device driver schemes of Bondy and Keller, one of ordinary skill in the art would find no motivation to combine the teachings of Bondy and Keller with Schoening as proposed by the Office Action.

As noted above, independent claim 13 has been amended to recite the subject matter of claim 22 (now canceled). Thus, claim 13 presently recites the features of providing a table-linking device identifier to individual device-specific driver portions of the plurality of device-

PATENT

specific driver portions. It is respectfully submitted that the cited passages of Schoening, as well as the remaining passages of Schoening, fail to disclose or suggest a table-linking device identifier to an individual device-specific driver portion. Rather, the device-mapping table of Schoening referenced by the Office Action merely serves to illustrate the functional relationships between devices of a network. Thus, the proposed combination of Bondy, Keller, and Schoening fails to disclose or suggest the particular combination of features presently recited by claim 13. Moreover, as discussed above, there is no motivation to combine the teachings of Bondy, Keller, and Schoening as proposed by the Office Action.

In view of the foregoing, it is respectfully submitted that the obviousness rejection of claims 11, 12, 22, and 36 is improper at this time. Reconsideration and withdrawal of this rejection therefore is respectfully requested.

Obviousness Rejection of Claim 16

At page 5 of the Office Action, claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bondy in view of Keller, and in further view of Shirakabe (U.S. Patent No. 5,136,709). As discussed above, independent claim 13, from which claim 16 depends, has been amended to recite the subject matter of claim 22. The Office Action does not assert that the proposed combination of Bondy, Keller, and Shirakabe discloses or suggests the subject matter of claim 22, nor in fact do Keller, Shirakabe, or Bondy disclose or suggest, individually or in combination, the subject matter of claim 12. Accordingly, the proposed combination of Bondy, Keller, and Shirakabe fails to disclose or suggest the features of claim 16 at least by virtue of its dependency from claim 13. Moreover, claim 16 recites additional novel subject matter.

In view of the foregoing, it is respectfully submitted that the obviousness rejection of claim 16 is improper at this time. Reconsideration and withdrawal of this rejection therefore is respectfully requested.

Conclusion

The Applicant respectfully submits that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present

PATENT

application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Applicant believes no additional fees are due, but if the Commissioner believes additional fees are due, the Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-0441.

Respectfully submitted,

20 March 2006
Date



Ryan S. Davidson, Reg. No. 51,596
LARSON NEWMAN ABEL POLANSKY & WHITE, L.L.P.
5914 West Courtyard Dr., Suite 200
Austin, Texas 78730
(512) 429-7100 (phone)
(512) 327-5452 (fax)